

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WINDY RICHARDS,

Plaintiff,

-V.-

BIVONA & COHEN PC et al.,

Defendants.

GABRIEL W. GORENSTEIN, United States Magistrate Judge

The Court has considered the letters from each side regarding the disclosure of plaintiff's treatment records. It has also examined the records in camera. While the Court recognizes the extreme personal nature of these records, plaintiff's desire to maintain them as privately as possible must be balanced against the defendants' need to consult with their attorneys on the relevant facts of this case. Whether the sexual assault occurred is a matter of dispute between the parties. In addition, the records are relevant to the defendants' defense to plaintiff's claim for damages and, potentially, to the issue of liability itself. The existing protective order offers plaintiff a significant measure of protection of her privacy. It would simply be unfair to defendants to bar them from viewing these records, and consulting with their attorneys on them, when they relate to central issues in the case.

The records shall be produced forthwith pursuant to the existing protective order.

SO ORDERED.

Dated: July 3, 2008
New York, New York

~~GABRIEL W. GORENSTEIN~~
United States Magistrate Judge